

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

INTERAXON INC., et al.,

Plaintiffs,

v.

NEUROTEK, LLC, et al.,

Defendants.

Case No. 15-cv-05290-KAW

**ORDER DENYING SECOND MOTION
TO REMOVE DEFAULTS**

Re: Dkt. No. 58

Pro se defendant Jonathan Cowan moves to set aside the defaults entered against Neurotek, LLC and Mindwaves, LTD, two corporations in which Cowan holds a controlling interest. (Dkt. No. 58.) The Court deems the motion suitable for disposition without hearing pursuant to Civil Local Rule 7-1(b). In the motion, he asks the Court:

1. To rule that Cowan can move the Court for rulings that will affect the other Defendants, since he has a controlling interest in each of them, without formally representing or making an appearance for them.

2. To Remove the Defaults of NeuroTek and Mindwaves granted on 3/11/16.

3. As an alternative to 1-2, to appoint a pro-bono attorney to represent the three Defendants, at least for the limited purpose of setting aside the Defaults, and give him adequate time to familiarize himself with the case.

(Dkt. No. 58 at 2.)

Cowan's motion is denied. A corporation must appear through counsel. *See* Civil Local Rule 3-9(b) ("A corporation, unincorporated association, partnership or other such entity may appear only through a member of the bar of this Court."). As Cowan is not a member of the bar of this Court, he may not represent Neurotek or Mindwaves. This includes filing motions on their behalf. Neurotek and Mindwaves may seek to set aside the defaults entered against them once

1 they have obtained counsel at their own expense. Cowan's request for pro-bono appointment of
2 counsel for his corporate entities is denied, as the Federal Pro Bono Project is available to
3 individuals who are indigent. If Cowan believes he meets the financial eligibility criteria for
4 appointment of pro bono counsel, he may make such a request on his own behalf, not that of his
5 companies. The Court will continue the hearing on the pending motion for default judgment,
6 currently set for August 4, 2016, to November 17, 2016 so that these companies have an
7 opportunity to obtain counsel. Any attorney representing either or both entities shall file a notice
8 of appearance within 90 days of this order. If a notice of appearance is not filed on behalf of
9 either company, the motion for default judgment will be heard as scheduled. All motions filed by
10 Cowan that seek relief on behalf of Neurotek or Mindwaves will be stricken.

11 IT IS SO ORDERED.

12 Dated: 07/20/16

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14 KANDIS A. WESTMORE
15 United States Magistrate Judge
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